

JFW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/680,358	10/07/2003	Frank J Schwab	4002-3426/PC819.00

O I P E
 DEC 13 2004
 PATENT & TRADEMARK
 Woodard, Emhardt, Moriarty
 McNett & Henry LLP
 Bank One Center/Tower, Suite 3700
 111 Monument Circle
 Indianapolis, IN 46204-5137

CONFIRMATION NO. 5654
 FORMALITIES LETTER
OC000000014376060
OC000000014376060

Date Mailed: 11/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Z-MOGUES

Customer Service Center
 Initial Patent Examination Division (703) 308-1202
 PART 2 - COPY TO BE RETURNED WITH RESPONSE



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

004002-003426.DAC.316706

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/680,358
		Filing Date	October 7, 2003
		First Named Inventor	Frank J. Schwab
		Art Unit	3732
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	4002-3426/PC819.00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Copies of 1/7/2004 filing (Response to Missing Parts).
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	
<input type="checkbox"/> Certified Copy of Priority Document(s)		Remarks
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Douglas A. Collier, #43,556 Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	
Date	December 9, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Typed or printed name	Douglas A. Collier
Signature	
Date	December 9, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



001002-003426.DAC.316684

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)
application of:) Before the Examiner
)
Frank J. Schwab et al.)
)
Serial No. 10/680,358)
) Group Art Unit 3732
Filed October 7, 2003)
)
INSERTION DEVICE AND) AttyDocket No. 4002-3426/PC819.00
TECHNIQUES FOR ORTHOPAEDIC)
IMPLANTS) December 9, 2004

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice to File Missing Parts of Application was mailed by the Patent Office for the above-identified application on Nov. 16, 2004. A first Notice to File Missing Parts was also mailed by the Patent Office for this application on January 2, 2004. Applicants submitted a response to this first Notice on January 7, 2004, a copy of which is enclosed along with the return postcard indicating receipt of the same by the Patent Office mailroom. It is believed the response mailed on January 7 was timely submitted and a complete response to the first Notice, and entry of the same is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 9, 2004.

Douglas A. Collier
Name of Registered Representative

Signature

Dec 9 2004

Date of Signature

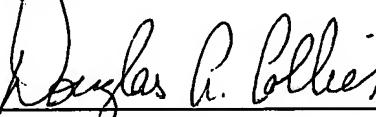
Furthermore, entry of each of the attorney names listed on the Power of Attorney form is requested since such entry would have been made had the January 7, 2004, response been timely considered by the Patent Office. A filing receipt indicating entry of the same along with receipt of the missing parts is respectfully requested.

Since the January 7, 2004, response was certified with a Certificate of Mailing indicating that it was deposited on that date in first class mail to the Patent Office, no fees for responding to the second Notice of Missing Parts are enclosed herewith. Should any extensions of time be necessary or fees be due for consideration of this response, please provide the same and any charges to Deposit Account 23-303, but not including the payment of issue fees. Part 2 of the second Notice to be returned with the response is enclosed herewith.

The examiner is encouraged to contact the undersigned should there be any questions or if additional information is needed.

Respectfully submitted

By:


Douglas A. Collier
Reg. No. 43,556
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456



004002-003426.DAC.258830

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

TRANSMITTAL FORM

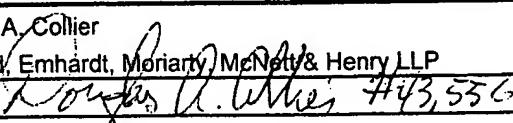
(to be used for all correspondence after initial filing)

		Application Number	10/680,358
		Filing Date	October 7, 2003
		First Named Inventor	Frank J. Schwab
		Art Unit	3732
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	4002-3426/PC819.00

ENCLOSURES (Check all that apply)

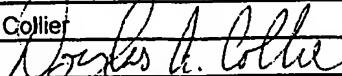
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input style="width: 20px; height: 15px; border: 1px solid black; vertical-align: middle; margin-left: 10px;" type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Assignment & Recordation Form <input checked="" type="checkbox"/> Response to Notice to File Missing Parts <input checked="" type="checkbox"/> Dec. and Power of Attorney
Remarks <input style="width: 100px; height: 40px; border: 1px solid black; vertical-align: top; margin-top: 5px;" type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Douglas A. Collier Woodard, Emhardt, Moriarty McNelly & Henry LLP		
Signature			
Date	January 7, 2004		

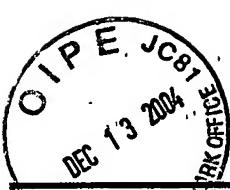
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Typed or printed name	Douglas A. Collier	Date	January 7, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



004002-003426.DAC.258831

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL FOR FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$170.00)

Complete if Known

Application Number	10/680,358
Filing Date	October 7, 2003
First Named Inventor	Frank J. Schwab
Group Art Unit	3732

Examiner Name

Attorney Docket Number 4002-3426/PC819.00

METHOD OF PAYMENT

FEE CALCULATION (continued)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number	23-3030
Deposit Account Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application,
 excluding the payment of issue fees
 Charge fee(s) indicated below, except for the filing fee to the above-
 identified deposit account.

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	55
1252	420	2252	210
1253	950	2253	475
1254	1,480	2254	740
1255	2,010	2255	1,005
1401	330	2401	165
1402	330	2402	165
1403	290	2403	145
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,330	2453	665
1501	1,330	2501	665
1502	480	2502	240
1503	640	2503	320
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	770	2809	385
1810	770	2810	385
1801	770	2801	385
1802	900	1802	900
Other Fee (specify) * Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$ 170)			

*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY						Complete if applicable
Name (Print/Type)	Signature		Registration No. (Attorney/Agent)	43,556	Telephone	(317) 634-3456
Douglas A. Collier	<i>Douglas A. Collier</i>				Date	January 7, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need any assistance in completing this form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)
application of:) Before the Examiner
)
Frank J. Schwab et al.)
)
Serial No. 10/680,358)
) Group Art Unit 3732
Filed October 7, 2003)
)
INSERTION DEVICE AND TECHNIQUES)
FOR ORTHOPAEDIC IMPLANTS) January 7, 2004

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application—Filing Date

Granted of October 7, 2003, please file the following executed documents:

- (1) Declaration for Utility or Design Patent Application;
- (2) Copy of the Notification of Parts of Nonprovisional Application;
- (4) Check for the surcharge of \$130.00; and
- (5) Assignment and Assignment Recordation Fee.

It is believed the application is now in condition for examination and such action by the Examiner is respectfully requested.

Respectfully submitted

By:

Douglas A. Collier

Reg. No. 43,556

Woodard, Emhardt, Moriarty,

McNett & Henry LLP

Bank One Center/Tower

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 7, 2004.

Douglas A. Collier
Name of Registered Representative

Douglas A. Collier
Signature

Jan. 7, 2004

Date of Signature